

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

<b>Dave Parker Anderson, Jr., # 88774-020,</b>	)	<b>C/A No. 2:05-3435-CMC-RSC</b>
	)	
Petitioner,	)	
	)	
v.	)	<b>OPINION AND ORDER</b>
	)	
<b>Matthew B. Hamidullah, Warden FCI</b>	)	
<b>Estill; and Alberto R. Gonzales, United</b>	)	
<b>States Attorney General,</b>	)	
	)	
Respondents.	)	
	)	

Petitioner, proceeding *pro se*, filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. At the present time, Petitioner is incarcerated at FCI-Estall, in Hampton County, South Carolina, serving a 107-month sentence imposed in the Southern District of Georgia following his guilty plea to violations of 18 U.S.C. § 1962 and 26 U.S.C. § 7203.

In accordance with this court's order of reference and 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(c), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Robert S. Carr.

The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no

clear error on the face of the record in order to accept the recommendation.” (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Based on his review of the record, the Magistrate Judge has recommended that the action be *dismissed without prejudice and without requiring Respondents to file a return*. The Magistrate Judge advised Petitioner of his right to file objections to the Report and the possible consequences if he failed to do so. Petitioner has filed no objections and the time for doing so has expired.

After reviewing the Petition, the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

**ORDERED** that this action is *dismissed without prejudice and without requiring Respondents to file a return*.

**IT IS SO ORDERED.**

Columbia, South Carolina  
January 25, 2006

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE